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JUN 20 2008

In re Application of :
Oshima, et al. : DECISION ON PETITION
Application No.: 10/693,526 :
Filed: October 27, 2003 :
Docket No.: 2003_1522 :

This is a decision on the petition filed April 14, 2008 under 37 CFR 1.183 to accept substitute specification in a reissue application.

The petition is **GRANTED**.

37 CFR 1.125(d) prohibits the filing of a substitute specification in a reissue application.

37 CFR 1.173(a)(1) requires a specification be in the form of "a copy of the printed patent, in double column format." The substitute specification is not a copy of the printed patent in double column format. Therefore, in order for relief to be granted, the Office must waive the requirements of 37 CFR 1.173(a)(1).

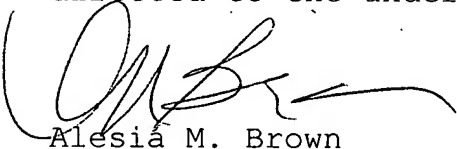
37 CFR 1.183 provides that in an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed.

The instant request for waiver is predicated upon the fact that in "a telephone conversation with the Examiner in connection with reissue application 09/686,464, which is also a divisional application of reissue application 09/244,037, the Examiner required a substitute specification and indicated that substitute specifications would be required in all of the related reissue applications of U.S. patent 5,600,672 if the same specification amendments were to be entered."

There is no way for petitioner to comply with the examiner's requirement absent waiver of the rules. Therefore, the petition is granted and the requirements of 37 CFR 1.125(d) and 37 CFR 1.173(a)(1) are hereby waived pursuant to 37 CFR 1.183.

This application is being forwarded to Technology Center Art Unit 2611 for further action as appropriate.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'AMB', with a long horizontal stroke extending to the right.

Alesia M. Brown
Petitions Attorney
Office of Petitions